## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

STEVEN FLOYD VOSS,

Plaintiff,

vs.

ISIDRO BACA et al.,

Defendants.

3:14-cv-00066-RCJ-WGC

**ORDER** 

Plaintiff is a prisoner in the custody of the Nevada Department of Corrections. He has sued several Defendants in this Court under the Americans with Disabilities Act ("ADA"), the Rehabilitation Act ("RA"), and 42 U.S.C. § 1983 based on the denial of his ability to obtain a prison job, changes in his housing assignment, and constitutional violations with respect to the handling of his grievances. The Magistrate Judge submitted a Report and Recommendation ("R&R") recommending that the Court deny Plaintiff's motion for partial offensive summary judgment as to the ADA and RA claims, deny Defendants' motion to dismiss the ADA and RA claims, and grant Defendants' motion for defensive summary judgment as to the § 1983 claims. The Court adopted the R&R as to the summary judgment motions but dismissed the ADA and RA claims, with leave to amend. The Court denied a motion to reconsider.

Plaintiff has not amended. Instead, he filed a motion asking the Court to certify the dismissal for interlocutory review. *See* 28 U.S.C. § 1292(b). The Court denied the motion for untimeliness and ordered Plaintiff to show cause why the case should not be dismissed for lack of prosecution under Local Rule 41-1. Plaintiff has responded, arguing that the Court's dismissal order gave no particular deadline for amendment, and that he filed the motion to certify because of that. More importantly, he claims that on January 24, 2016, he notified the Court of his intent not to amend but to proceed to appeal. The Court has no record of that in the docket but interprets the present response as Plaintiff's consent to final judgment without amendment.

## **CONCLUSION**

IT IS HEREBY ORDERED that the Clerk shall enter Judgment and close the case.

Dated this 18th day of July, 2016.

ROBERT C. JONES United States District Judge